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PART-IIA

GOVERNMENT OF MEGHALAYA

LAW (A) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 5th August, 2015.

No.LJ(A)23/85/Pt-I/71. - In exercise of the powers conferred by the proviso to Article 309, read with Article 233 of the Constitution, the Governor of Meghalaya in consultation with the High Court of Meghalaya, in partial modification to the existing Meghalaya Judicial Service Rules, 2006 (to the extent it applies to Grade I Judicial Officers only), is pleased to make the following rules regulating the recruitment and appointment to the Meghalaya Higher Judicial Service and conditions of service and of persons appointed as follows, viz,-

PART I

GENERAL

- 1. Short title, commencement and application:** - (1) These rules may be called the Meghalaya Higher Judicial Service Rules, 2015 (hereinafter referred to as the “H. J. S. Rules”).
(2) They shall come into force on such date as may be notified by the Government in the Official Gazette.
(3) These Rules shall apply to Grade I Judicial Officers (appointed under these Rules and also under the Meghalaya Judicial Service Rules, 2006) in the whole State.
- 2. Status of the Service:** - The Meghalaya Higher Judicial Service is a State Service comprising Class I posts.
- 3. Definitions:** - In these Rules, unless the context otherwise requires:-

- (a) **“Chief Justice”** means the Chief Justice of the High Court of Meghalaya;
- (b) **“Constitution”** means the Constitution of India;
- (c) **“Government”** means the Government of Meghalaya;
- (d) **“Existing Members”** means the Grade I Judicial Officers appointed under the Meghalaya Judicial Service Rules, 2006 (as amended from time to time);
- (e) **“High Court”** means the High Court of Meghalaya;
- (f) **“Officer”** means the Grade I Judicial Officer appointed under these Rules and also under the Meghalaya Judicial Service Rules, 2006 (as amended from time to time);
- (g) **“Service”** means the Meghalaya Higher Judicial Service and
- (h) **“State”** means the State of Meghalaya.

PART II SERVICE

4. Constitution of Higher Judicial Service: - There shall be constituted a service to be known as the Meghalaya Higher Judicial Service, consisting of the Existing Members and such Grade I Judicial Officers who may be appointed from time to time under these Rules.

5. Strength of the Service: - (1) The Service shall consist of a single cadre comprising the posts of,-

- (a) Registrar General/ Registrar at the High Court,
- (b) District and Sessions Judges, and
- (c) Additional District and Sessions Judges:

Provided that against a post of Additional District and Sessions Judge a member of the Meghalaya Judicial Service may be appointed to exercise the powers of Additional Sessions Judge which is to be notified as per Government notifications issued under Article 237 of the Constitution.

- (2) The strength of the Service shall be such as may be determined from time to time by the Governor in consultation with the High Court.
 - (3) The Governor may, except the post of Registrar General, from time to time, in consultation with the High Court leave unfilled or hold in abeyance, any vacant post in the Service without entitling any person to compensation or create from time to time, additional posts, temporary or permanent, as may be found necessary.
 - (4) On the commencement of these Rules, the strength of the service and the posts therein shall be as given in **Schedule A** appended to these Rules.
- 6. Appointing Authority:** - The appointing authority of the members of the Service shall, except the post of Registrar General, be the Governor.

PART III
METHOD OF RECRUITMENT

7. Source of Recruitment:- The recruitment to the Service shall be made in the following manner:-

- (a) 65 (sixty five) per-cent by promotion from amongst the Grade II Judicial Officers appointed under the Meghalaya Judicial Service Rules, 2006 having not less than 5 (five) years' qualifying service on the basis of principle of merit-cum- seniority;
- (b) 10 (ten) per-cent by promotion strictly on the basis of merit through limited departmental competitive examination of Grade II Judicial Officers appointed under the Meghalaya Judicial Service Rules, 2006 conducted by High Court as specified in **Schedule B** of these Rules;
- (c) 25 (twenty-five) per-cent by direct recruitment from amongst the eligible advocates on the basis of written tests and personal interview, as conducted by the High Court, as specified in **Schedule B** of these Rules.

Explanation: - For the purpose of sub-rule (c) above, the qualifying criteria for the advocates is as follows: -

- (i) He must be a citizen of India;
- (ii) He must be a holder of degree in law of a recognized University;
- (iii) He must be practicing as an Advocate in Courts of criminal and civil jurisdiction on the last date fixed for receipt of applications and must have so practiced for a period of not less than 7 (seven) years as on such date.
- (iv) He must have attained the age of 35 (thirty-five) years and must not have attained the age of 48 (forty eight) years in the case of candidates belonging to Scheduled Castes (SC) or Scheduled Tribes (ST) and 45 (forty-five) years in the case of others, as on the last date fixed for receipt of applications:

Provided that the High Court may from time to time, relax the upper age limit:

Provided further that where the Chief Justice is of the opinion that the operation of this rule causes undue hardship in a particular case, he may recommend for relaxation of the provision of this rule to such extent and subject to such conditions as may be deemed necessary.

8. Assessment of Merit: - For assessing and testing the merit and the suitability of a member of the Grade II Judicial Officer (appointed under the Meghalaya Judicial Service Rules, 2006) for promotion under sub-rule (a) of Rule 7 of these Rules, the Selection Committee (constituted by the Chief Justice from time to time) may take into consideration: -

- (i) annual confidential reports (ACRs) of the preceding 5 (five) years of the officer concerned;

- (ii) inspection report of the court or the officer, made by the Portfolio/ Administrative Judge during the preceding 3 (three) years; and
- (iii) assessment of the officer made by the Selection Committee.

9. Recruitment: - (1) Applications for direct recruitment to the Service, under sub-rule (c) of Rule 7 of these Rules, shall be invited by the High Court by publishing a notice to that effect in the leading news papers of State and shall be made in the form prescribed from time to time to be obtained from the Registrar General of the High Court on payment of the prescribed fee.

(2) The application shall be submitted to the High Court accompanied by certificates of age, academic qualifications, Sanad and such other documents as may be required to be furnished as mentioned in the advertisement.

(3) The candidates shall pay such examination fee as may be determined by the High Court from time to time.

10. Procedure for Recruitment, etc. : - For the purposes of recruitment as envisaged under sub-rules (a), (b) and (c) of Rule 7 of these Rules, the following conditions shall be in addition to the conditions governing recruitment to the Service: -

(1) To fill a vacancy required to be filled by promotion the High Court shall take all necessary steps well in advance so as to finalise the list of persons considered eligible for promotion at least 10-15 days before the occurrence of the vacancy.

(2) The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the written and personal interview shall be final. No candidate to whom certificate of admission has not been issued by the High Court shall be admitted for the examination.

(3) The High Court shall on the basis of cumulative grade value secured by a candidate, prepare in the order of merit, assessed as provided in **Schedule B** of these Rules, a list of candidates which shall be equal to the number of vacancies notified.

(4) The High Court shall in accordance with the provisions of sub-rule (3), also prepare an additional list of names of candidates not included in the list of candidates prepared under sub-rule (3) above, in which the number of candidates to be included, shall, as far as possible, be ten percent of the number of vacancies notified for recruitment or one, whichever is higher.

(5) The lists so prepared under sub-rule (3) and (4) above shall be published and they shall cease to be operative on the expiry of one year from the date of such publication.

(6) Inclusion of the name of a candidate in any list prepared under sub-rule (3) or (4) shall not confer any right of appointment to such candidate.

11. Reservation: - The appointment to the service shall be subject to the reservation policy of the Government, the percentage of which shall be determined by the Government from time to time.

12. Seniority: - (1) The original seniority of the Existing Members as appointed under the Meghalaya Judicial Service Rules, 2006 shall not be disturbed.

(2) The *inter se* seniority of the out-of-turn promoted officers, clause (b) of rule 7, shall be in the order of merit in the merit list as is determined by the High Court.

(3) The *inter se* seniority of the direct appointees shall be in the order of merit in the merit list as is determined by the High Court.

(4) If the officer is recruited to the Service by promotion or direct recruitment on the same day, that officer recruited by promotion shall take precedence over the direct recruited officer.

(5) The *inter se* seniority list of direct appointees and promoted officers shall be determined on the basis of recruitment year and the direct appointees and promoted officers of the same recruitment year will be on the basis of their date of appointment:

Provided further that an officer, who is promoted on *ad-hoc* basis on a vacant post, belonging to the out-of-turn promoted officers or direct appointees, as the case may be, shall not have any right on the said post and such officer shall not be allowed to claim addition of the period of such *ad-hoc* service towards the Service for the purpose of seniority.

PART IV

PROBATION AND CONFIRMATION

13. Probation: - (1) Direct recruits to the Service shall remain on probation for a period of 2 (two) years, which may be so extended by the High Court, as not to exceed a total period of 4 (four) years. Provided that the High Court may in exceptional circumstances of any case reduce the period of probation.

(2) On successful completion of the period of probation the High Court may confirm a probationer with effect from a date not earlier than the date on which he completes the period of probation.

(3) The High Court may at any time during the period of probation or the extended probation, as the case may be, dispense with the services of a probationer if the same have been found to be not satisfactory, without assigning any reasons therefore.

(4) No appeal shall lie against an order discharging a probationer.

PART V

PAY AND ALLOWANCES

14. Scale of Pay: - The scale of pay admissible to the persons appointed to the Service, whether in substantive or officiating capacity or as a temporary measure, shall be as decided by the Government from time to time.

PART VI
MISCELLANEOUS

15. Appointment in the Selection Grade: - Appointments to the Selection Grade posts (to the extent of 25% of the cadre posts of District and Sessions Judges) shall be made by the High Court from amongst the members of the Service who have put in not less than 5 (five) years of continuous service in the cadre on the basis of the following, namely,-

- (i) merit and suitability.
- (ii) minimum four “Good” ACRs out of last five years ACR’s; or
- (iii) at least two “Good” and one “Very Good” in the ACR’s out of last five years ACR’s.

16. Appointment to Super Time Scale: - Appointments to Super Time Scale posts (to the extent of 10 % of sanctioned cadre strength of the District and Sessions Judges) shall be made by the High Court from amongst the members of the Service holding Selection Grade posts and who have put in not less than 3 (three) years of continuous service as Selection Grade on the basis of the following, namely,-

- (i) merit-cum-suitability.
- (ii) the Officer must have three “Good” and One “Very Good” grading ACRs out of last five years ACR’s; or
- (iii) the Officer must have two “Good” and one “Outstanding” grading ACRs out of last five years ACR’s.

17. Efficiency Bar: - (1) No member of the Service shall be allowed to cross the first efficiency bar unless in the opinion of the High Court his judicial work is good and his integrity is beyond question.

(2) No member of the Service shall be allowed to cross second efficiency bar unless in the opinion of the High Court his judicial work and administrative ability are good and his integrity is beyond question.

18. Training: - (1) There shall be training course for the members of the Service, as the High Court may deem fit and proper as per **Schedule C** of these Rules.

(2) The High Court may arrange refresher courses for such members from time to time.

(3) The High Court may in consultation with the Government depute such member for training/ refresher outside the State or outside the country.

19. Retirement: - (1) Except as otherwise provided in this Rule, every member of the Service shall retire from service on the afternoon of the last date of the month in which he attains the age of 58 (fifty- eight) years. Provided that all members of the Service whose date of birth is the 1st day of a

month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 58 (fifty-eight) years.

(2) Notwithstanding anything contained in sub-rule (1) above, if in the opinion of the High Court, any member has the potential to continue with his/her service, he/ she shall be retained in service up to 60 (sixty) years.

(3) The potential for continued utility shall be assessed and evaluated by appropriate committee of Judges of the High Court, constituted and headed by the Chief Justice and the evaluation shall be made on the basis of the Officer's past record of service, ACRs, quality of judgments and other relevant matters.

(4) The High Court should undertake and complete the exercise well within time, before the Officer attains the age of 58 (fifty-eight) years and take a decision whether the benefit of extended service is to be given to the Officer or not.

(5) In case the Officer concerned is found fit for being given the benefit of extended age of superannuation, the Officer and the Government be informed accordingly.

(6) In case the Officer concerned is found not fit for retention beyond 58 (fifty-eight) years, the High Court may inform the Officer that he would stand retired at the age of 58 (fifty-eight) years.

(7) An Officer shall be deemed to have been denied the benefit of extension unless a specific order to that effect is passed and communicated.

20. Retirement in Public interest: - (1) There shall be a committee consisting of such number of Judges, headed by the Chief Justice to review the career progress and other attributes of the members of the Service.

(2) This review will be undertaken when the concerned Officer(s) attain the age of 50 (fifty) and 55 (fifty-five) years. If the committee considers that in public interest the officer should be retired from service, he shall be compulsorily retired by giving him a notice of not less than 3 (three) months in writing or 3(three) months pay and allowance in lieu thereof:

Provided that nothing in sub-rule (2) shall be considered as preventing consideration for compulsory retirement of a member of the service at any time other than those mentioned therein.

21. Re-employment after Retirement: - (1) Judicial Officers of Grade-I retiring at the age of 60 years are eligible for re-employment on such consideration by the High Court, provided there are vacancies in Grade-I and they satisfy the following conditions, namely,-

- (i) there is no adverse comment in the ACR's in so far as disposal/integrity and character are concerned;
- (ii) the officer was not dismissed or removed or compulsorily retired or made to seek retirement; and
- (iii) the officer had not sought voluntary retirement after initiation of departmental proceedings /inquiry.

(2) The officer will have to be found fit and eligible to continue in service by the High Court after assessing and evaluating the record for his continued utility.

(3) The order of re-employment shall be made by the Governor in consultation with the High Court.

22. Conduct: - An Officer appointed under the Rules shall be required to maintain the integrity and conduct himself in conformity with the dignity of the office he holds. He should follow the Code of Conduct as provided in **Appendix-A**.

23. Administrative control: - Administrative control over the members of the Service shall vest absolutely in the High Court. The recommendation of the High Court in disciplinary matters involving major penalty of removal, dismissal, premature or voluntary retirement, as the case may be, shall be binding on the Government for the purpose of final orders.

However, nothing in this rule shall be construed to prejudice the right of appeal available to the delinquent before the competent authority.

24. Disciplinary Authority: - (1) The members of the Service shall be under the disciplinary control of the High Court.

(2) The provisions of Meghalaya Services (Discipline and Appeal) Rules, 2011 shall be applicable to disciplinary proceedings of Judicial Officers.

25. Leave, Pension, etc.: - Except as provided in these Rules, all matters relating to pension, leave, discipline and other conditions of service of the members of the Service shall be regulated by the rules and orders in force in the State.

26. Power to relax: - The Governor if satisfied that the operation of any of provisions of this rule causes undue hardship in any particular case or cases, may in consultation with the High Court dispense with or relax the requirement of any of these rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner or for meeting the exigencies of public interest:

Provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided to under this rule.

27. Interpretation: - If any question arises as to the interpretation of these Rules, the High Court shall decide the same.

28. Amendments and Savings: - (1) The Meghalaya Judicial Service Rules, 2006 are hereby amended to the limited extent it applies to existing members.

(2) Notwithstanding such amendment any appointment made, order issued, action taken or anything whatsoever done under the rules, so amended, shall be deemed to have been made, issued, taken or done under the corresponding provisions of these Rules.

SCHEDULE – A

{Rule 5 (4)}

Sl. No	Name of Posts	No. of Posts	Scale of Pay	Remarks
1.	Registrar General	1	51550-1230-58930-1380-63070	
2.	District and Sessions Judge (Selection Grade)		57700-1230-58930-1380-67210-1540-70290	
3.	District and Sessions Judge (Super Time Scale)	1	70290-1540-76450	
4.	District and Sessions Judge (Entry Level)/ Additional District and Sessions Judge	14	51550-1230-58930-1380-63070	
5.	Member Secretary, Meghalaya State Legal Services Authority	1	51550-1230-58930-1380-63070	

SCHEDULE – B
{Rules 7 (b) & (c) and 10 (3)}

1. The competitive examination for recruitment to the Service shall consist of-

**FOR DIRECT RECRUITMENT & PROMOTION UNDER LIMITED
DEPARTMENTAL COMPETITIVE EXAMINATION:**

A competitive examination for recruitment to the Service shall be held at such intervals by the High Court from time to time as determined. The examination shall be conducted with the syllabus as below:

- (i) **Paper-I:** One Paper of 100 marks (duration not less than 2 hours) to test the General Knowledge, aptitude, intelligence, test of comprehension and expression of law and General English including Essay Writing on legal topic and information technology.
- (ii) **Paper-II:** One paper of 100 marks of not less than 2 hours duration regarding objective questions and problems of law as regards the Transfer of Problems of law as regards the Transfer of Property Act, Civil Procedure Code, Code of Criminal Procedure, Indian Evidence Act, Indian Penal Code, Limitation Act.
- (iii) **Paper-III:** One paper of 100 marks (duration not less than two hours) consisting of Judgment writing (Paper Book to be supplied) Legal theories on jurisprudence, provision of Constitution of India.

Note: (The candidate is expected to refer to the relevant decisions of the Apex Court and the High Court while writing answers in Paper II and III)

(iv) **Interview:** Viva-voce-50 marks.

2. GENERAL INSTRUCTIONS:

All candidates who obtain sixty percent or more marks or corresponding grade in the written examination shall be eligible for personal interview:

Provided that Scheduled Caste/Scheduled Tribe/OBC candidates who obtain fifty percent or more marks or corresponding grade in the written examination shall be eligible for the personal interview.

Selection of candidates shall be made on the basis of cumulative grade value obtained in the written and personal interview.

The object of the personal interview is to assess the suitability of the candidate for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgment, skills, attitude, ethics, power of assimilation, power of communication, character and intellectual depth and the like of the candidate.

All necessary steps not provided for in these Rules for recruitment under these Rules shall be decided by the High Court.

EVALUATING PERFORMANCE IN COMPETITIVE EXAMINATIONS FOR JUDICIAL SELECTION

The system operates as follows:

- (1) The questions in the question paper may carry numerical marks for each question.
- (2) The examiner may assign numerical marks for each sub- question, which may be totalled up and shown against each full question in numbers.
- (3) The tabulator will then convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Percentage of Marks	Grade	Grade Value
70% and above	O	7
65% to 69%	A+	6
60% to 64%	A	5
55% to 59%	B+	4
50% to 54%	B	3
45% to 49%	C+	2
40% to 44%	C	1
Below 40%	F	0

(4) After converting the numerical marks of each question into the appropriate grade according to the formula given in first column above, the tabular will re-covert to Grades obtained for each question to the Grade value according to the value given in the third column above.

** What is now obtained is the relative Grade value of each answer in the question paper obtained by the candidate in a seven-point scale (i.e. 'O' to 7')*

** The tabulators next task is to add up those Grader Values and divide the sum total by the numbers of questions in the answer book including the questions unanswered by the candidate. What is thus obtained is the Cumulative Grade Value Average (CGVA) obtained by the candidate at the examinations. Suppose the CGVA comes to '4', the grade obtained by the candidate at the examinations is "B+". If the CGVA is '6', the Grade of the candidate is "A+".*

(5) Thus organized, the result of the written examination will be indicating only the cumulative evaluation grade of the candidates which moderates the inevitable element of subjectivity in individual evaluation and brings in relative objectivity and fairness to much higher degree. Of course, the tabulation record sheet can carry the numerical marks as well for reference and re-checking whenever needed. A proper computer programme can do all these operations in minutes.

(6) What happens if there are several successful obtaining the same grade and the available positions are fewer in number ? How do you rank them to determine who is to be given the job ? Of course, this situation can develop with numerical marking also where persons with one mark or half a mark difference are given advantage. This is unfair given the fact that in actual practice this may happen because of the play of subjective elements on the part of the individual examiners. What is therefore recommended is a similar vigorous and objective grade value exercise for the personal interview as well.

(7) At the end of each day's interview the, tabulator will convert the numerical marks assigned to each category into grades and then to grade values. This will then be totalled up and the Cumulative Grade Value Average of each candidate interviewed will be obtained.

(8) Thus a separate list of candidates interviewed and the Grades obtained in the viva-voce will be readied which will naturally be far more fair and transparent with little scope for corrupt practice to creep in. Again for ready reference, the result sheet may carry the numerical marks side by side with grades.

(9) The final selection list will be readied by combining the Cumulative Grade Value obtained in the written examination and the viva – voce examination.

(10) Since in practice many candidates who have obtained less than a prescribed grade (say B+) in the written examination will not be called for viva voce examination, then combined tabulation has to be done only with reference to fewer candidates, possibly one - tenth or even less of the total number of applicants for the job.

(11) If the viva - voce is rigorous and higher marks are given only to those who are outstanding in all categories of evaluation given in the proforma, the chances are very few will obtain higher grades (like 'O' or 'A') and their numbers may be just within the available vacancies. There may be some borderline cases where it is difficult to determine who is included and whom to be excluded. This dilemma may be resolved by a second interview between those candidates by the same board or alternatively looking at the difference in numerical scores between them similarly placed in grades.

SCHEDULE – C**{Rule 18 (1)}**

After the appointment of a candidate, the Officer would require to submit his joining report before the Registrar General, High Court and thereafter he shall be given four weeks training at the Training Institute in the following manner:

- (i) Writing of judicial orders both in civil and criminal cases;
- (ii) Framing of charge and settlement of issues;
- (iii) Judgment writing;
- (iv) Administrative order and other matters relating to administration of office including accounts;
- (v) Any other subject which the High Court/Training Institute may deem fit and proper.

Before the completion of the training necessary order of posting shall be issued so that the officers may join at their respective place of posting.

APPENDIX –A
(Rule 22)

(1) Should uphold the integrity and independence of Judiciary -

An independent and honourable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge shall always be aware that the judicial system is for the benefit of the litigant and the public, and not the judiciary. The provisions of this chapter should be construed and applied to further these objectives.

(2) Should avoid impropriety –

- (i) Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.
- (ii) A judge shall respect and observe the law. At all times, the conduct and manner of a judge should promote public confidence in the integrity and impartiality of the judiciary. Without regard to a person's race, gender, or other protected personal characteristic, a judge should treat every person fairly, with courtesy and respect.
- (iii) A Judge shall not allow family, social, or other relationships to influence his judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance his private interests or those of others. A judge shall not convey or permit others to convey the impression that they are in a special position to influence the Judge. A judge shall not appear as a character witness in a Court proceeding subpoenaed.
- (iv) A Judge shall not allow activity as a member of an organization to cast doubt on the judge's ability to perform the function of the office in a manner consistent with the code of judicial conduct and the laws of the State. A judge shall not hold the membership of organization activities of which discriminate, or appear discriminate, on the basis of race, gender, or other protected personal characteristic.

Nothing in this paragraph should be interpreted to diminish a judge's right to free exercise of religion.

(3) Performance of duties impartially and diligently, –

- (i) A judge shall be faithful to the law and maintain professional competence in it. A judge should be un-swayed by partisan interests, public clamour, or fear of criticism.
- (ii) A judge may require lawyers, court personnel, and litigants to be appropriately attired for Court and should reasonable rules of conduct, order and decorum in the Courtroom.
- (iii) A judge shall be patient, dignified, and courteous to litigants, witness, lawyers, and others with whom the judge deals in official capacity, and should require similar conduct of lawyers, and of staff, Court officials, and others subject to the judge's direction and control.
- (iv) A judge shall not initiate, permit, or consider ex-parte communications made to the judge outside the presence of the parties concerning a pending or impending proceeding.
- (v) A Judge shall hear and decide matters assigned to the judge except those in which disqualification is required.
- (vi) A judge shall perform judicial duties without bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, Court officials and others subject to the judge's direction and control to do so.
- (vii) A judge shall dispose of all judicial matters speedily, effectively and fairly.
- (viii) A judge shall not, while a proceeding is pending or impending in any Court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any non public comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of Court personnel subject to

the judge's direction and control. This clause does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the Court. This clause does not apply to proceedings in which the judge is a litigant in a personal capacity.

- (ix) A judge should prohibit broadcasting, televising, recording or taking of photographs in or out of the courtroom during session of court or recess between sessions except as authorized by the High Court.
- (x) A judge may properly intervene in a trial of a case to promote expedition, and prevent unnecessary waste of time, or to clear up some obscurity, but the Judge should bear in mind that undue interference, impatience, or participation in the examination of witness, or severe attitude on the judge's part toward witness, especially those who are excited or terrified by the unusual circumstances of a trial, may tend to prevent the proper presentation of the cause, or the ascertainment of truth in respect thereto.
- (xi) Conversation between the judge and counsel in Court is often necessary, but the judge should be studious to avoid controversies that apt to obscure the merits of the dispute between litigants and lead to unjust disposition. In addressing counsel, litigants or witness, the judge would avoid a controversial manner or tone.
- (xii) A judge shall avoid interruptions of counsel in their arguments except to clarify their positions, and should not be tempted to the unnecessary display of learning or premature judgment. A judge shall adopt the usual and accepted methods of doing justice; avoid the imposition of humiliating acts or discipline, not authorized by law in sentencing and endeavour to conform to a reasonable standard of punishment and not seek popularity or publicity either by exceptional severity or undue leniency.
- (xiii) A judge shall be punctual in attending court and do judicial work during Court hours. He shall ensure punctuality of the staff and Court Officials.
- (xiv) A judge should diligently discharge administrative responsibilities, professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and Court officials.

- (xv) A judge should take or initiate appropriate measures as admissible under law against a judge or lawyer for unprofessional conduct of which the judge may become aware.
- (xvi) A judge should not cause unnecessary expense by making appointments. All appointments shall be based upon merit.
- (xvii) A judge should not approve compensation beyond the fair value of services rendered.

(4) Extra judicial and quasi-judicial activities –

I. As a judicial officer and person specially learned in the law, a judge is in unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent time permits, and without affecting his judicial work, a judge is encouraged to do so, either independently or through a Bar association, judicial conference, or the organization dedicated to the improvement of the law.

II. A judge, subject to the proper performance of judicial duties and to the extent time permits, may engage in the following quasi-judicial activities:

- (a) A judge may speak, write, lecture, teach and participate in other activities concerning only the law, the legal, and the administration of justice; and
- (b) A judge may appear at a public hearing on matters concerning only the law, the legal system, and the administration of justice.

III. A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality or judicial office, interfere with the proper performance of judicial duties, exploit the judicial position, demean the judicial office or involve the judge in transactions with lawyers or persons likely to come before the court on which the judge serves.

IV. A judge should serve as an executor, administrator, testamentary, trustee, or guardian.

V. A judge should act as an arbitrator or mediator.

VI. Except in the performance of judicial duties.

VII. A judge should not practice law remuneration.

VIII. A judge should not accept appointment to a governmental committee, commission, or other position without the permission of the High Court in writing.

IX. A judge or a candidate for judicial office should not be a member of, or hold any office in a political party.

X. A judge shall not make speeches on behalf of a political party or endorse a candidate for a political office.

XI. A judge shall keep informed about the judge's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and children residing in the judge's household.

XII. A judge shall not conduct all of the judge's extrajudicial activities in such a way that they do not:

- (a) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (b) demean the judicial office; or c) interfere with the proper performance of judicial duties.

XIII. A judge shall not serve as an officer, director, trustee or legal advisor if it is likely that the organization, -

- (a) Will be engaged in proceedings that would ordinarily come before the judges, or
- (b) Will be engaged frequently in adversary proceedings in the Court of which the judge is a member or in any Court subject to the appellate jurisdiction of the Court of which the judge is a member.

XIII. A judge and members of the judge's family residing in the judge's household shall not accept, a gift, bequest, favour or loan from anyone except for:

- (a) a gift incident to a public testimonial, books, tapes and other resource materials supplied by the publishers on a complimentary basis for official use,

- or an invitation to the judge and the judge's spouse or guest to attend a bar related function or an activity devoted to the improvement of the law, the legal system or the administration of justice;
- (b) a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member of a judge residing in the judge's household, including gifts, awards and benefits for the use of both the spouse or other family members and the judge (as spouse or family member), provided the gift, award or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties;
- (c) ordinarily social hospitality;
- (d) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;
- (e) a gift, bequest, favour or loan from a relative or close personal friend whose appearance or interest in a case would in any event require disqualification under rule 25;
- (f) a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges;
- (g) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or
- (h) any other gift, bequest, favour or loan, only if the donor is not a party or other person who has come or is likely to come or whose interest have come or are likely to come before the judge.

L. M. SANGMA,
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Law Department.